

in the housing and facilities areas, and either:

3a. Heat-Sensitive Subclass: (i) have a physiological condition that places them at increased risk of heat-related illness, injury, or death (including, but not limited to, suffering from obesity, diabetes, hypertension, cardiovascular disease, psychiatric conditions, cirrhosis of the liver, chronic obstructive pulmonary disease, cystic fibrosis, asthma, sweat gland dysfunction, and thyroid dysfunction); or, (ii) are prescribed an anticonvulsant, anticholinergic, antipsychotic, antihistamines, beta blockers, or diuretic; or (iii) are over a 58. Plaintiff are typical member of this subclass.

3b. Disability Subclass: suffer from a disability that substantially limits one or more of their major life activities and who are at increased risk of heat-related illness, injury, or death due to their disability or any medical treatment necessary to treat their disability. Plaintiff are typical member of this subclass.

3. **Numerosity;** The joinder of each class member would be impracticable because each class is so numerous. The approximate number of class members exceeds 2,500 at the Eastham Unit housing over 2,500 inmates and many other inmates could potentially be housed at the Eastham Unit during some point during this litigation, or in the future. Joining all members of the class is impracticable due to the minimum 2,500 person size and the fluctuating population of the Eastham Unit.

4. The subclasses are also sufficiently numerous to satisfy Rule 23(a). Because the Eastham Unit is a "Maximum" and "Chronic Care" facility, more than 800 inmates incarcerated there suffer from at least one medical condition or disability that would make them a class member. TDCJ itself identifies over 300 inmates who have "Heat restrictions" on their labor assignments due to their vulnerability to "extreme temperatures", though this number is under-inclusive. Likewise, upon information and belief, TDCJ housing and facilities houses a high number of inmates with qualifying disabilities at the Eastham Unit.

5. Approximately 200 prisoners over age 65 live at the Eastham Unit. Joining all 200 or 500 over age 58 to 65 would be impracticable.

6. Identifying every inmate at the Eastham Unit who is a subclass member would require interviewing hundreds of prisoners, and reviewing each of their medical records. Disposition of this matter as a class action will provide substantial benefits and efficiencies to the parties and the Court.

7. Commonality; Common questions of law and fact exist as to all members of the class and predominate over any questions solely affecting individual members of the class.

A. The common questions of law and fact for the proposed **General Class** are :

- 1). Are all prisoners at the Eastham Unit exposed to high apparent temperatures inside the housing and facilities areas?
- 2). Does exposing prisoners to the high apparent temperatures in the housing and facilities areas at the Eastham Unit violates the Eighth Amendment, by denying prisoners safe housing and shelter from the elements?
- 3). Are the members of the General Class entitled to declaratory and injunctive relief?

B. Further, the common questions of law and fact for the subclasses are;

1). For the Constitutional Violations and **Heat-Sensitive Subclass**:

- a) Is the risk of unconstitutional conditions and heat-related injuries for the Heat-Sensitive Subclass increased when members are exposed to harmful conditions and high apparent temperatures in housing and facilities areas of the Eastham Eastham Unit?
- b) Does exposing members of the Unconstitutional Conditions and Heat-Sensitive Subclass to the high apparent temperatures in the housing and facilities areas at the Eastham Unit Violate their Eighth Amendment rights to safe housing conditions and shelter from the elements?
- c) Are the members of the Unconstitutional Conditions and Heat-Sensitive Subclass entitled to declaratory and injunctive relief?

2). For the **Disability Subclass**:

- a) Do members of the Disability Subclass a) suffer from a disability that substantially limits one or more of their life activities and b) either suffer from a disability that increases the risk

of heat-related illness, injury, or death of receive any medical treatment necessary to treat their disability that increases the risk of heat-related illness, injury or death?

- b) Does TDCJ provide reasonable accommodations to prisoners with heat-related disabilities exposed to unconstitutional conditions and high apparent temperatures in the housing and facilities at the Eastham Unit?
- c) Is TDCJ immune from claims for injunctive and declaratory relief brought under the ADA and Rehabilitation Act?
- d) Are members of the Disability Subclass entitled to declaratory and injunctive relief?

8. **Typicality**: Plaintiff's claims are typical and representative of each class and subclass member's claims against Defendants, as identified above. The claims of Plaintiff and the Class all arise from the same conduct by Defendants (exposing them to unsafe housing conditions and temperatures in the housing and facilities areas at the Eastham Unit), are based not only on identical theories, and also seek identical remedies (injunctive and declaratory relief requiring Defendants to correct the unconstitutional conditions and lower the temperatures at the Eastham Unit to a safe level). The Eastham Unit housing and facilities areas all reach roughly the same temperature levels; the unconstitutional conditions and high indoor apparent temperatures threaten all inmates' wellbeing. Plaintiff's interest in correcting the unconstitutional conditions and reducing the danger of heat-related illness, injury, or death is identical to every other inmate's interest. All members of their class are similarly injured by Defendants' wrongful conduct.

9. **Adequacy of Class Counsel**: Plaintiff and class members are seeking appointment of counsel under 28 U.S.C. §1915((a)(1)). We are seeking the non-profit law firm, the Texas Civil Rights Project (TCRP), which mission is to protect the civil rights of low-income Texans. TCRP has prosecuted many class actions or multi-Plaintiff cases that obtained class-like injunctive and declaratory relief.

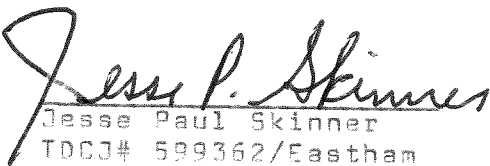
10. A class action is superior to other available methods for fairly and efficiently adjudicating this controversy, especially since joinder of all Class members is impracticable.

Each class member is irreparably harmed as a result of Defendants' wrongful conduct. Litigating this case as a class action will reduce the risk of repetitious litigation relating to the Defendants' conduct.

11. Plaintiff do not seek damages, except as to actions against individual parties sued in their individual capacity. Other than that, Plaintiff and Class Members seek only Injunctive and Declaratory Relief against TDCJ.

Therefore, Plaintiff and Class Members prays that this Honorable Court grant Class Certification in this case and any other relief that they may be entitled to.

Respectfully submitted,


Jesse Paul Skinner

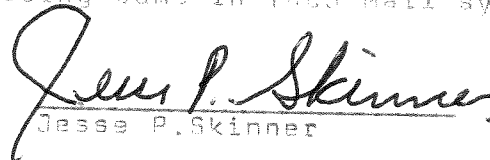
TDCJ# 599362/Eastham
2665 Prison Rd. #1
Lovelady, Texas 75851

Pro se

Certificate of service

28 U.S.C.A. §1746

I declare under penalty of perjury that the foregoing are true and correct. In that the Certificate For Class Certification has been served on the Office of the Clerk for Eastern District Court of Texas of this 30 day of July, 2018, by placing same in TDCJ Mail system


Jesse P. Skinner

Mr. Jesse P. Skinner
TDCJ# 599362/Eastham
2665 Prison Rd.#1
Lovelady, Texas 75851

July 30, 2018

Office of the Clerk
United States District Court
Eastern District of Texas
104 North Third Street
Lufkin, Texas 75901

RE: Jesse Paul Skinner V. Bryan Collier, et al, Plaintiff's
and Class Members' Motion for Class Certification:

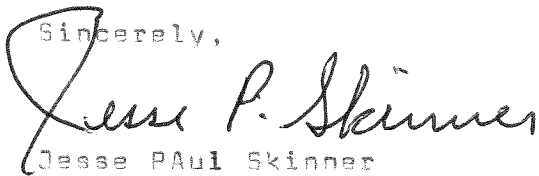
Dear Hon Clerk:

Please find the original and one copy of Plaintiff's and
Class Members' Certificate for Class Certification enclosed.

Please file all (Submitted) legal material with the court
for it's consideration.

I thank you for your time and attention to this matter!
I Await your response. I Remain.

Sincerely,

A handwritten signature in black ink that reads "Jesse P. Skinner". The signature is fluid and cursive, with the first name "Jesse" being the most prominent part.

Jesse PAul Skinner
pro se

jps/apl/file
enclosure

Jessie
Mr. Jesse P. Skinner
TDCJ# 599362/Eastham
2665 Prison Rd.#1
Lovelady, Texas 75851



Office of the Clerk
United States District Court
Eastern District of Texas
104 North Third Street
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